

# 2004 ADDENDUM

Use to Supplement 1995/96 Campaign Disclosure  
Manuals C, D and E

## **Information Manual C**

General Purpose Recipient Committees  
(Political Action Committees)

## **Information Manual D**

Ballot Measure Committees

## **Information Manual E**

Independent Expenditure and Major Donor Committees

~ **Draft** ~

**Text changes are shaded**

## **Fair Political Practices Commission**

428 J Street, Suite 620 Sacramento, CA 95814

Toll-Free Advice Line: (866) ASK-FPPC Phone: (916) 322-5660 Fax: (916) 322-3711

Website: [www.fppc.ca.gov](http://www.fppc.ca.gov)

# About This Addendum

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This 2004 Addendum is for use in conjunction with the Fair Political Practices Commission's 1995/96 campaign disclosure manuals C, D, and E. The Addendum summarizes regulatory and statutory changes to the campaign disclosure provisions of the Political Reform Act since publication of these campaign manuals but does not carry the force of the law. It also highlights changes made to several campaign forms. The Addendum supersedes the campaign manuals where there are discrepancies in the information presented. The Addendum also replaces the 2003 Addendum.

The Fair Political Practices Commission has recently published two new campaign manuals for state and local candidates. Information Manual 1 is for state candidates, their committees and primarily formed committees for state candidates. Information Manual 2 is for local candidates, their committees, and primarily formed committees for local candidates. Candidates should refer to Manual 1 or Manual 2 and not this addendum. Both manuals are available at [www.fppc.ca.gov](http://www.fppc.ca.gov).

*Do not rely on the information contained in this publication alone to ensure compliance with the Act. The Political Reform Act<sup>1</sup> as Amended to January 1, 2004, and the Commission's campaign disclosure manuals should be used to supplement this Addendum.*

Information on the following topics is included in this Addendum:

- **Proposition 34 and Senate Bill 34**
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<sup>1</sup> The Act is contained in the California Government Code, sections 81000-91014. Commission Regulations appear at Title 2, Division 6, California Code of Regulations sections 18000, et seq. The Act and regulations are available from the FPPC at [www.fppc.ca.gov](http://www.fppc.ca.gov).

# Introduction

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## The FPPC: Who We Are

The Fair Political Practices Commission was created by the Political Reform Act of 1974, a ballot initiative passed by California voters as Proposition 9.

The Commission is a bipartisan, independent body of five members that administers and enforces the Political Reform Act's rules on conflicts of interest, campaign contributions and expenditures and lobbying disclosure. Supporting the Commission is a staff of approximately 70 employees in the Administration, Technical Assistance, Legal and Enforcement Divisions.

The Commission educates the public and public officials on the requirements of the Act. It provides written and oral advice to public agencies and officials; conducts seminars and training sessions; develops forms, manuals and instructions; and receives economic interest statements filed by many state and local officials.

The Commission investigates alleged violations of the Political Reform Act, imposes penalties when appropriate and assists state and local agencies in developing and enforcing conflict-of-interest codes.

The Governor appoints two commissioners, including the chairman. The Secretary of State, the Attorney General and the State Controller each appoint one commissioner. Commissioners serve a single, four-year term, and no more than three members may be registered with the same political party. The chairman is salaried and full-time while the other four members serve part-time.

The Commission generally meets once each month to hear public testimony, issue opinions, adopt regulations, order penalties for violations of the Act and take other action.

## The FPPC Web site

The FPPC web site ([www.fppc.ca.gov](http://www.fppc.ca.gov)) offers an overview of the subjects covered by the Political Reform Act and a description of the FPPC.

Users easily can access current news, announcements and schedules of FPPC seminars and other Commission meetings. Users can also download and print FPPC forms, and fill out most forms interactively. In addition, campaign filing schedules for the different types of committees are located on the web site.

A library link provides access to the current and past issues of the FPPC *Bulletin*, the Political Reform Act, FPPC regulations and opinions, plus guides and fact sheets about campaign and lobbying disclosure, conflict-of-interest provisions and important information regarding Proposition 34.

The library also contains comprehensive information about rules regarding gifts, honoraria, travel and loans, restrictions on post-governmental employment and past enforcement cases.

Visitors can learn how to file a complaint with the FPPC's Enforcement Division and, at the same time, read a list of subjects not under the jurisdiction of the FPPC (such as federal elections). Internet links and additional contact information are given for the agencies that have jurisdiction over these other laws.

In addition, the site features an e-mail subscription system and a "feedback" service for suggestions or other messages from users.



*A good idea —*

Call for toll-free advice at:  
1-866-ASK-FPPC (275-3772)

## Proposition 34 and Senate Bill 34

Proposition 34, a ballot measure passed by the voters on November 7, 2000, added new campaign finance provisions and made some changes to the disclosure and enforcement provisions of the Act. Senate Bill 34 later modified some of the provisions added by Proposition 34. Some important provisions of Proposition 34 and Senate Bill 34 are highlighted below. (Chapter 102, Stats. 2000 and Chapter 241, Stats. 2001.)

The Commission has adopted regulations and issued advice to implement and interpret these new statutes and will continue to do so. In addition, the Commission has issued Proposition 34 fact sheets to provide additional guidance to state candidates and committees. The FPPC web site is an up-to-date source of Proposition 34 and Senate Bill 34 information.

### Limits and Restrictions for State Candidates and Committees:

- **Contribution Limits.** Contributions to candidates for elective state office and to committees, including political parties, for the purpose of making contributions to candidates for elective state office are subject to limits. (See the chart on page 7.) (Sections 85301-85303.) There are no limits on contributions to pay net debt resulting from an election held prior to January 1, 2001. (Section 85321; added by Chapter 241, Stats. 2001.)

*Regulations: Cost of living adjustment.* The contribution limits may be adjusted biennially to reflect changes in the Consumer Price Index. New limits went into effect on January 1, 2003, for elections occurring in 2003 and 2004. (See the chart on page 7.) Senate and Assembly candidates who are raising funds to pay outstanding debts from 2001 or 2002 elections are subject to the \$3,000 per contributor per election limit in effect for those elections. (Regulations 18535 and 18545.)

*Contributions that exceed the limits.* Contributions are not considered received if they are not deposited into the campaign bank account and are returned within 14 days of receipt. For non-monetary contributions, either the item itself, its monetary value, or the monetary amount by which the value of the non-monetary contribution exceeds the limits must be returned within 14 days of receipt. (Regulation 18531.)

*Contributions to committees formed before effective date of Proposition 34.* There are no

contribution limits or restrictions on state candidate controlled committees formed before January 1, 2001, for elections held prior to January 1, 2001 (November 6, 2002, for statewide candidates), even if the contributions are received after that date. (Regulation 18531.6.)

*Contribution Limits and Repaid Loans.* Loans are contributions subject to contribution limits. However, if a loan has been repaid, the lender, guarantor, endorser, or cosigner may make additional contributions to the same candidate or committee up to the contribution limit. (Regulation 18537.)

- **Lobbyist Prohibition.** A lobbyist may not make a contribution to an elected state officer or a candidate for elective state office if the lobbyist is registered to lobby the agency of the elected state officer or the agency to which the candidate is seeking election. (Section 85702.)

*Regulation:* Contributions made by a lobbyist include those made from the lobbyist's personal funds or assets. In addition, a lobbyist is making a contribution if he or she participates in decisions to make contributions from a business entity owned in whole or in part by the lobbyist or from a committee that receives contributions from a lobbyist. The spouse of a lobbyist may make contributions from jointly-held funds. Lobbyists may continue advising clients and employers regarding contributions. (Regulation 18572.)

### Provisions Affecting State and Local Committees:

- **Reporting Donor Information.** As in years past, committees must disclose the name and address and, if the contributor is an individual, the occupation and employer of any person who contributes \$100 or more during a calendar year. If this information is not on file in the committee's records within 60 days of receipt of a contribution of \$100 or more, the contribution must be returned. (Section 85700.)

*Regulation:* Contributions may be deposited pending receipt of donor information. If the contribution must be but cannot be returned, it must be sent to the Secretary of State for deposit in the General Fund (or to the local jurisdiction for its general fund in the case of local committees). If the information is obtained after the contribution has been reported, an amended campaign statement must be filed

# Proposition 34 and Senate Bill 34

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within 70 calendar days of the closing date of the statement being amended. (Regulation 18570.)

- **Receipt of Laundered Campaign Funds.** If a committee receives contributions through an intermediary and the required information about the true source of the funds is not properly disclosed, the committee must pay the funds to the State General Fund. (Section 85701.) Local candidates and committees may be required under local rules to pay laundered funds to the general fund of the local jurisdiction. (*In re Pelham* (2001) 15 Ops. 1.)
- **Contributions by Spouse or Minor Children.** Spouses may make separate contributions. A contribution made by a child under 18 is presumed to be a contribution from his or her parent or guardian. (Section 85308.)
- **Late Independent Expenditures.** A committee that makes independent expenditures supporting or opposing a candidate or ballot measure during the last 16 days before an election must disclose contributions received since the committee's last report as well as the independent expenditures made. (Section 84204.) FPPC Form 496 has been revised to comply with this requirement.
- **Ballot Measure Spokespersons.** A committee that makes an expenditure of \$5,000 or more to an individual to appear in an advertisement to support or oppose a ballot measure must report the expenditure within 10 days on FPPC Form 511. In addition, the advertisement must include a statement indicating that the individual has been paid. (Section 84511; amended by Chapter 241, Stats. 2001; Regulation 18450.11.)
- **Communications to Members, Employees, or Shareholders.** Payments for communications supporting or opposing candidates or ballot measures that are made by an organization to its members, employees, shareholders, or their family members ("member communications") are not contributions or expenditures, provided that they are not for general public distribution. However, payments made by a political party for such communications must be reported in detail if they would otherwise qualify as contributions or independent expenditures. (Section 85312; amended by Chapter 241, Stats. 2001.)

*Regulation:* Payments made by an organization for member communications include those made by an organization's sponsored committee and payments made at the behest of a candidate or

committee. A member is defined as a person who has certain voting rights concerning the organization, or, in the case of a tax-exempt organization, pays membership dues. If an organization receives a payment earmarked to pay for a member communication from a source other than the organization's members, employees, shareholders, or the organization's sponsored committee, then payments for the communication are contributions, subject to any applicable limits, or expenditures. If the organization is a committee subject to reporting obligations under section 84211, the committee must report the payments on its campaign statement. (Regulation 18531.7.)

- **Advertisements.** Certain disclosure requirements for advertisements were enacted by Proposition 208 in November 1996, and were enjoined by the Federal District Court. Due to passage of Proposition 34 and resolution of the Proposition 208 litigation, most of these provisions are once again in effect. State and local ballot measure advertisements are required to contain disclosures naming major contributors. The name of a committee formed primarily to support or oppose a ballot measure must meet certain identification requirements. In addition, independent expenditures to support or oppose a candidate or ballot measure must identify the committee making the expenditure and its major contributors. (Sections 84501-84509.)

*Regulations: Definitions for Advertisement Disclosure Requirements.* As defined in section 84501, an advertisement includes but is not limited to: television or radio programming; a communication placed in a newspaper, periodical, or magazine of general circulation; certain telephone or facsimile messages; certain mailings; posters, door hangers, and yard signs; a billboard; campaign buttons; and certain bumper stickers. An advertisement does *not* include: a small promotional item (e.g., pen, pin, etc.) upon which the required information cannot be conveniently printed or displayed; wearing apparel; skywriting; a communication from an organization to its members, other than a communication from a political party to its members; and, a web-based or internet-based communication. (Regulation 18450.1.)

*Name of ballot measure committees must include interests of \$50,000 contributors.* In the case of a committee primarily formed to support

or oppose a state or local ballot measure, the name of the committee must include:

- The identity of an employer if major donors of \$50,000 or more share a common employer.
- The name of a candidate, if the candidate and all controlled committees, as a group or individually, contribute \$50,000 or more.
- The economic or other special interest of the committee's other major donors of \$50,000 or more. The economic or other special interest of such contributors must be disclosed and be the interest that is likely to be affected by the ballot measure. If no economic interest exists, the name must identify any goal or purpose that is likely to be affected by the ballot measure. If there is more than one contributor that must be disclosed, and all such contributors do not share an economic interest or goal or purpose, the name must identify the various economic interests or goals or purposes that are likely to be affected by the ballot measure. (Section 84504; Regulations 18402 and 18450.3.)

*Contents of disclosure statements for advertisements.* Where disclosure of a major donor contributor is required, the disclaimer must explicitly use terms such as "major funding by" or "paid for by" in the advertisement. The disclosure must be clear and obvious. Specific rules apply to video, audio and print media communications. (Regulation 18450.4.)

*Amended advertising disclosure.* Advertisement disclosures must be changed when a new person qualifies as a disclosable contributor or when the committee's name changes. Broadcast advertisement disclosures must be amended within five calendar days after a new person qualifies or a committee's name changes. Print media advertisement disclosures, including billboards, must be amended when an order to reproduce the advertisement is placed. Tangible item disclosure statements must be amended every time an order to reproduce the item is placed. (Regulation 18450.5.)

- **Administrative Penalties.** The maximum administrative penalty for violations of the Act increased from \$2,000 to \$5,000 per violation. (Section 83116.)

## New Online Reporting Requirements for State Candidates and Committees:

- **24-hour Reports of Contributions Received by State Candidates and State Ballot Measure Committees.** State candidates and state ballot measure committees that have an existing obligation to file campaign statements online or electronically with the Secretary of State have an additional online filing requirement. If a contribution of \$1,000 or more is received during the 90 days preceding the candidate or ballot measure's election, a report must be filed online or electronically within 24 hours. The Form 497 Late Contribution Report is used to comply with this reporting requirement. (Section 85309; Regulation 18539.)

- **10-day Reports of Contributions Received by State Candidates and State Ballot Measure Committees.** State candidates and state ballot measure committees that have an existing obligation to file campaign statements online or electronically with the Secretary of State also must file a report within 10 business days if a contribution of \$5,000 or more is received any time prior to the 90-day election cycle (when the 24-hour reports discussed above are required). The report must be filed online or electronically using the Form 497 Late Contribution Report. (Section 85309; Chapter 241, Stats. 2001; Regulation 18539.)

*Example: On May 27, 2003, a state ballot measure committee formed to support a measure being voted on in the March 2, 2004, election received a contribution of \$6,000. Within 10 business days, the committee must report the contribution online or electronically to the Secretary of State. On December 20, 2003, the committee received a contribution of \$2,000. Within 24 hours, the committee must report the contribution online or electronically to the Secretary of State.*

- **Independent Expenditures Supporting/ Opposing State Candidates and State Ballot Measures.** Committees that have an existing obligation to file campaign statements online or electronically with the Secretary of State have an additional online filing requirement. If a committee makes an independent expenditure of \$1,000 or more to support or oppose a state candidate or a state ballot measure during the 90 days preceding the candidate or measure's election, a report must be filed online or electronically within 24 hours. The Form 496

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Late Independent Expenditure Report is used to comply with this filing obligation. (Section 85500; amended by Chapter 241, Stats. 2001; Regulation 18550.)

*Example: On December 30, 2003, a committee paid \$2,300 for a phone bank to oppose a candidate for State Senate on the March 2, 2004, ballot. The committee must report the independent expenditure online or electronically within 24 hours.*

- **Communications Identifying State Candidates.** Persons who spend \$50,000 or more for a communication disseminated within 45 days of an election that clearly identifies a state candidate, but does not expressly advocate the election or defeat of that candidate, must file a report within 48 hours. The report must be filed online with the Secretary of State using the Form E-530. The report must disclose the amount and date of the payment(s), and the name(s) of and office(s) sought by the candidate(s) identified in the communication. In addition, if \$5,000 or more is received from a single source to pay for the communication, the name, address, occupation and employer (if applicable) of the source, and the date and amount received must be reported. (Section 85310 and Regulation 18539.2.)

*Example: A lobbyist employer that has promoted a bill on child care legislation wants to inform the public about a legislator's role in sponsoring the bill by renting a billboard valued at \$100,000 which says, "Thank you, Assemblymember Smith, for protecting the future of California's children." If the communication is made within 45 days of the election in which Assemblymember Smith is a candidate, the lobbyist employer must electronically disclose the payment for the billboard within 48 hours.*



## Proposition 34 Contribution Limits for State Candidates, Officeholders, and Committees

Per Election Limits on Contributions to State Candidates — For Elections Occurring January 1, 2003 – December 31, 2004

Contributor	Legislature	Statewide Elected Officers	Governor
Person	\$3,200	\$5,300	\$21,200
Small Contributor Committee	\$6,400	\$10,600	\$21,200
Political Party	No limit	No limit	No limit

Calendar Year Limits on Contributions to State Committees — For Elections Occurring January 1, 2003 – December 31, 2004

Contributor	Committee (Not Political Party) for State Candidates	Political Party for State Candidates	Committee/Political Party Not for State Candidates
Person	\$5,300	\$26,600	No limit

Notes:

- The Commission is required to adjust the contribution and expenditure limits biennially (beginning January 1, 2003) to reflect changes in the Consumer Price Index. The limits contained in these charts are in effect for elections occurring from January 1, 2003 through December 31, 2004 (and for later elections until they are adjusted again by the Commission in 1995). For Senate and Assembly candidates paying debt from elections held in 2001 and 2002, the contribution limit remains \$3,000 per person per election (\$6,000 from a small contributor committee).
- A “person” includes an individual, firm, partnership, corporation, committee and any organization or group of persons acting in concert.
- A “small contributor committee” is one that has been in existence for more than six months; receives contributions from 100 or more persons; makes contributions of \$25 or more to five or more candidates during a 36-month period; and has not received more than \$200 from one person in a calendar year. (Regulation 18503.)

The text of Proposition 34 and other important information are available on the Commission’s web site ([www.fppc.ca.gov](http://www.fppc.ca.gov)) or call our toll-free advice line at 1-866-ASK-FPPC (1-866-275-3772).

## Questions and Answers:

- Q.** Does Proposition 34 impose an aggregate cap on the total amount one person may contribute in connection with state elections?
- A.** No. A person may make an unlimited amount of contributions provided that no one state candidate or committee has received over the applicable limit from that person or committee.
- Q.** If a state candidate repaid a loan received by her committee, may the lender make another contribution?
- A.** Yes. Repayment of a loan, in whole or in part, enables the lender to make additional contributions up to the applicable limit.
- Q.** May a general purpose committee deposit a \$10,000 monetary contribution into its state candidate contribution account?
- A.** No. A monetary contribution that exceeds the contribution limits may not be deposited and must be returned within 14 days.
- Q.** On November 30, 2003, a ballot measure committee held a fundraiser and received several contributions of \$100 or more from individuals. Must the committee report the name, address, and occupation and employer for each of these contributors?
- A.** Yes. Each campaign disclosure statement (Form 460) must identify the name, address, occupation, and employer for each individual who contributes \$100 or more in a calendar year. If only the name and address of the contributor is known at the time a campaign statement is due, the committee may deposit the contributions and disclose them on the campaign statement covering the period in which the contributions were received. If the contributor’s name, address, occupation, and employer are not in the committee’s records within 60 days of receipt of the contribution, the contribution must be returned. (Note: All local and state committees are subject to this requirement.) FPPC regulation 18570 requires the treasurer to amend the campaign statement to add the missing information within 70 days of the closing date of the statement. In this example, the closing date for the statement would be December 31, 2003, and an amendment would be due no later than March 10, 2004.



## New Statement of Organization (Form 410) Requirement

The Statement of Organization (Form 410) must be filed within 10 days of qualifying as a committee (receiving contributions totaling \$1,000 or more in a calendar year), or within 24 hours if a committee qualifies during the 16 days prior to an election in which it would be required to file pre-election campaign statements.

In addition, a committee that qualifies during the 16 days prior to an election, and makes independent expenditures totaling \$1,000 or more to support or oppose a candidate or candidates being voted on in the election, must file the information required on the Form 410 within 24 hours. The information must be faxed, sent by guaranteed overnight delivery, on-line transmission, telegram, or personally delivered to the filing officer(s) that receives campaign statements filed by the candidate(s) supported or opposed by the independent expenditures. (Chapter 901, Stats. 2001; effective January 1, 2002.) (Section 84101.)

## Reporting Thresholds Raised

Legislative amendments to the Act raised the threshold at which several campaign reports must be filed. (Chapter 130, Stats. 2000; effective January 1, 2001.)

### Special Odd-Year Report

The reporting threshold for the special odd-year report has increased from \$5,000 to \$10,000. (Section 84202.7.)

### Form 465 — Supplemental Independent Expenditure Report

The reporting threshold for the Form 465 — Supplemental Independent Expenditure Report has increased from \$500 to \$1,000. (Section 84203.5.)

### Form 495 — Supplemental Pre-Election Campaign Statement

The reporting threshold for Form 495 — Supplemental Pre-Election Campaign Statement has increased from \$5,000 to \$10,000. (Section 84202.5.)

## Assistant Treasurer

A recipient committee may designate one assistant treasurer on the committee's Statement of Organization (Form 410). The assistant treasurer will assume the duties and responsibilities of the

treasurer if the treasurer is unavailable or vacates the office of treasurer. For example, if the treasurer is out of town when a campaign statement is required to be filed, the assistant treasurer may sign the campaign disclosure statement. (Regulation 18426.1.)

## Zip Codes Now Required on Campaign Disclosure Statements

Zip codes are required when reporting street addresses on campaign disclosure statements. When the Secretary of State provides information on the Internet under the electronic filing provisions, only the contributor's name, city, and zip code will be displayed. To protect an individual's privacy, the street address will not be shown on the Internet. (Regulation 18421.2.)

## New Notice to \$5,000 Contributors

When a candidate or committee receives contributions totaling \$5,000 or more in a calendar year from a single source, other than a recipient committee, the committee must, within two weeks of receiving the contribution, provide a notice to the contributor that the contributor may have reporting obligations. The notice must contain the following language, or substantially similar language:

If your contribution(s) to this committee and to other California state or local committees total(s) \$10,000 or more in a calendar year, California law requires you to file a Major Donor Committee Campaign Statement (Form 461). The deadline and location for filing this statement will depend upon the timing and type of contribution(s) you have made. In addition, once you become a major donor, you **are** required to file a late contribution report within 24 hours if you make contributions totaling \$1,000 or more to a single candidate, **controlled committee or to a committee primarily formed to support or oppose a candidate or ballot measure** during the 16 days before **the election in which the candidate or ballot measure is being voted on**.

Failure to file campaign statements may result in late filing penalties (\$10/day) and fines (up to \$5,000/violation). For more information, contact the Fair Political Practices Commission at (916) 322-5660 or refer to their web site: [www.fppc.ca.gov](http://www.fppc.ca.gov).

Additionally, if you make contributions of \$50,000 or more in a calendar year in California and some or all of those

contributions are to state candidates, committees or ballot measures, you are required to file your Form 461 electronically with the Secretary of State. For more information on the electronic filing requirements, contact the Secretary of State's office at (916) 653-6224.

A notice is not required if the contributor already has been notified earlier in the calendar year, or has been issued a recipient committee identification number by the Secretary of State. (Regulation 18427.1.)

## Faxing Campaign Statements

Campaign statements that contain 30 pages or less may be faxed provided that the faxed copy of the campaign statement is the exact copy of the original version. The original version must be sent by first-class mail, guaranteed overnight delivery, or delivered personally within 24 hours of the applicable deadline. (Chapter 394, Stats. 1997; effective January 1, 1998.) (Section 81007.5.)

Late contribution reports and late independent expenditure reports are not required to be mailed if the reports are faxed because these reports do not require signatures.

## Reporting Late “In-Kind” Contributions

A late “in-kind” contribution is a contribution of goods or services valued at \$1,000 or more made to a candidate, controlled committee, or primarily formed committee, during the 16 days prior to the election in which the candidate or ballot measure is to be voted on. An in-kind contribution is made by the contributor and received by the recipient on the earliest of the following dates:

- The date funds are expended by the contributor for goods or services, if the specific expenditure is made at the behest of the recipient; or
- The date the recipient or its agent obtains possession or control of the goods or services; or
- The date the recipient otherwise receives the benefit of the expenditure.

Provisions regarding late “in-kind” contributions are summarized below.

- A committee that makes a late in-kind contribution must:
  - Send the recipient of the in-kind contribution a notice of the value of the contribution. The notice must be received by the recipient within

24 hours of the time the contribution was made. There is no standardized form for the notice; however, the Late Contribution Report, Form 497, may be used. The notice must be delivered by personal delivery, fax, or guaranteed overnight mail and a copy maintained for recordkeeping purposes; and

- File a late contribution report within 24 hours of the time the contribution was made.
- The recipient of the late in-kind contribution must:
  - File a late contribution report within 48 hours of the time the contribution was received.

(Chapter 77, Stats. 1995; effective January 1, 1996.) (Section 84203.3.)

### Example:

*On October 26, a city general purpose committee makes a late in-kind contribution to a city candidate running in a special election to be held November 5. The value of the contribution is \$3,000. The following deadlines apply:*

- The candidate must receive a notice from the committee no later than October 27 stating the value of the contribution.
- The committee must file a late contribution report no later than October 27.
- The candidate must file a late contribution report no later than October 28.

## Estimating Late “In-Kind” Contributions—Regulation 18425

On October 1, 1998, the Commission amended Regulation 18425 with regard to late contributions. When more than one in-kind contribution will be made by or received from a single contributor during the late reporting period, the regulation allows candidates and committees to file estimated late contribution reports. Common examples are in-kind contributions of phone banks and administrative services.

If the actual value of ongoing in-kind contributions is not known at the time of filing, a late contribution report containing a good faith estimate may be filed within the applicable 24 or 48-hour deadline described above. If, at any time after filing an estimated report, the candidate or committee knows that the value of the in-kind contribution differs from the estimated report by 20 percent or more (either up or down), the estimated report must be amended within 24 hours. The actual value of all late in-kind contributions must be disclosed on the candidate or

# Campaign Reporting

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committee's next pre-election or semi-annual campaign statement.

## *Example:*

*From March 28 through April 4, 2003, a local union PAC will contribute phone bank services to a candidate running in a local election to be held April 8, 2003. On March 30, the value of the services reaches \$1,000, but the PAC does not know how much the total contribution will be. On March 31, the PAC notifies the candidate that an estimated contribution of \$2,000 will be made through April 4, and files a late contribution report reporting the \$2,000 estimate. The candidate must file a late contribution report no later April 1, and may disclose the estimated amount.*

*On April 9, the PAC determines that the actual value of the contribution was \$2,500. Both the PAC and the candidate must file amended late contribution reports within 24 hours of the time they know the correct amount.*

A copy of Regulation 18425 can be obtained from the FPPC web site.

## **State Electronic Filing Program**

In 1997, the Legislature enacted SB 49, the "Online Disclosure Act of 1997." (Ch. 866, Stats. 1997; amended Ch. 433, Stats. 1999.) It requires state candidates and state committees to electronically file campaign disclosure reports.

Effective July 1, 2000, the electronic filing threshold is triggered when contributions or expenditures, calculated from January 1, 2000, reach \$50,000. Once the electronic filing requirement has been triggered, all future reports must be filed electronically.

## **Notes:**

- Generally, candidates and committees must continue to file paper reports even when they are filing electronically. (See pages 5 and 6 for exceptions.)
- Candidates and committees may voluntarily file electronic reports.

Campaign disclosure information filed with the Secretary of State is posted on the Internet, giving California voters prompt access to campaign finance information.

Section 84602 (Ch. 917, Stats. 2001) requires the Secretary of State to provide a free method of on-line and electronic filing of campaign reports required by the Act.

To obtain further information about electronic filing, please contact the Secretary of State's Office at (916) 653-6224.

## **New Requirement for Candidates for CalPERS Board to File Campaign Statements — Form 900**

The Act was amended to require the six elected members of the board of administration of the Public Employees' Retirement System, and candidates for those positions, to file campaign disclosure reports. The Form 900 – PERS Candidate Campaign Statement – is filed with the Secretary of State, with copies retained by PERS. The FPPC has adopted regulations implementing the law. (Chapter 923, Stats. 1998; effective January 1, 1999.) (Sections 82023, 82024, 90001 and 84225.) (Regulations 18451, 18452 and 18453.)

## **Proposition 218 Election Filing Requirements**

Proposition 218, a statewide initiative that was passed by the voters on November 5, 1996, requires voter approval of tax increases. The Commission does not interpret or enforce provisions of Proposition 218. For information concerning Proposition 218 elections, please contact the local elections office. However, the following advice applies to contributions received and expenditures made in connection with Proposition 218 elections:

## **Ballot Measure Elections**

Elections held for general and special tax measures placed on a ballot for voter approval by local governments pursuant to the California Constitution, Article XIII C, are considered "ballot measures" under the Act. Expenditures and contributions made in support of, or in opposition to, these ballot measures are reportable and are covered under the reporting requirements of the Act. Refer to Information Manual D for further information concerning reporting obligations for ballot measure committees.

## **Mail Ballot/Protest Procedure**

The mail-out ballot and protest procedure for assessment districts required by the California Constitution, Article XIII D, is *not* considered a measure or an election under the Act. Therefore, expenditures and contributions advocating the passage or defeat of the assessment are not reportable under the Act.

## Form 460 – Recipient Committee Campaign Statement

In 1999, the three long forms used by campaign committees (Forms 419, 420, and 490) were combined into one form for use by all recipient committees.

In addition, several changes have been made as a result of legislative amendments to the Political Reform Act and the passage of Proposition 34 in November 2000.

### Changes Include:

- To amend a previously-filed Form 460, complete a new Form 460 Cover Page, check the amendment box, describe the change, and attach the amended schedules. Form 405 is no longer used.
- Non-monetary contributions are added to total contributions received and total expenditures made on the Summary Page (Lines 4 and 10).
- The summary page of the Form 460 no longer requires a summary of receipts and expenditures from the previous reporting period.
- Contributor codes have been added to Schedules A, B, and C.
- Expenditure codes for Schedules E, F, and G have been expanded.
- Payments reported on Schedules E, F, G, and H that are contributions or independent expenditures to support or oppose candidates, measures, and committees are now summarized on Schedule D.

Candidates: Payments made from personal funds to support or oppose other candidates, ballot measures, and committees are not reported on Form 460 as they were on the Form 490 Allocation Page, Part II. Instead, if you make personal contributions totaling \$10,000 or more during a calendar year to other candidates and committees, file Form 461 in addition to Form 460.

- Accrued expenses (unpaid bills) must now be reported continuously until they are paid. Schedule F has been revised. For detailed information, see *What's New With "Accrued,"* a fact sheet available from the FPPC or the FPPC web site. (Regulation 18421.6.)
- Government Code section 84211 now requires that detailed information about outstanding loans be reported on Form 460 until the loans are repaid. Schedules B and H have been revised. (Chapter 853, Stats. 2000; effective January 1, 2001.) (Section 84211.)

- Payments made by an agent, independent contractor, or volunteer (subvendor payments) must be disclosed if the payment was \$500 or more. Previously, disclosure was required for payments of \$100 or more. (Chapter 853, Stats. 2000; effective January 1, 2001.) (Section 84303.)
- State Committees. Committees that make contributions to candidates for elective state office are required to identify the election associated with a contribution. For example, a \$3,200 contribution to a state assembly candidate for the 2004 primary election would be disclosed as "\$3,200 P-04." (Regulation 18421.4.)

## Other Form Changes

### Form 410 — Statement of Organization

The Form 410 incorporates the candidate's campaign bank account information formerly disclosed on the now-obsolete Form 502. A section for terminating a committee is also included on the Form 410. The previous Form 415, Statement of Termination, has been eliminated. In addition, the Form 410 now has a section for designating a small contributor committee. (Chapter 853, Stats. 2000; effective January 1, 2001.) (Section 84102.)

### Form 450 — Recipient Committee Campaign Statement – Short Form

The Form 450 has been revised to require committees that make contributions to candidates for elective state office to identify the election associated with each contribution. For example, a \$3,200 contribution to a state assembly candidate for the 2004 primary election would be disclosed as "\$3,200 P-04."

### Form 461 — Major Donor and Independent Expenditure Committee Statement

The Form 461 has been revised to look more like the Form 460 expenditure reporting schedules. The separate sections for reporting loan repayments and loan forgiveness have been eliminated. An amendment box to identify amended filings replaces the Form 405.

### Form 465 — Supplemental Independent Expenditure Report

The Form 465 has been revised to reflect that the threshold for filing the report has increased from \$500 to \$1,000. (Chapter 130, Stats. 2000.) (Section 84203.5.)



# Campaign Form Changes

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## **Form 495 — Supplemental Pre-Election Campaign Statement**

The Form 495 has been revised to reflect that the threshold for filing the report has increased from \$5,000 to \$10,000. (Chapter 130, Stats. 2000.) (Section 84202.5.)

## **Form 496 — Late Independent Expenditure Report and Form 497 — Late Contribution Report**

These forms now require a filer-assigned “control” number so that filing officers and the public can distinguish among numerous duplicate filings that often occur during the rush of the late contribution period. An amendment identifier has also been added. The Form 496 now requires the disclosure of contributions received since the last campaign statement filed. (Section 84204.) The Form 497 looks more like the reporting schedules on the Form 460. In addition, there are separate pages for reporting late contributions received and late contributions made. When candidates and ballot measure committees report receipt of a late contribution, they must indicate whether the contribution is a loan. (Chapter 211, Stats. 2002; effective January 1, 2003.) (Section 84203.)

The Form 496 and Form 497 are used by state candidates and committees that are required to file the electronic contribution and independent expenditure reports added by Proposition 34 (see pages 5 and 6). (Sections 85309 and 85500.)

## **Form 511 — Paid Spokesperson Report**

This is a new form for use by committees that make expenditures totaling \$5,000 or more to an individual for his or her appearance in a printed, televised, or radio advertisement, or in a telephone message, to support or oppose the qualification, passage, or defeat of a state or local ballot measure. It must be filed within 10 days in the same location(s) as the committee is normally required to file its campaign reports. (Section 84511.)

## **Form E-530 — Report of Communications Identifying Candidates**

This on-line form is for use by a person or entity that spends \$50,000 or more for a communication disseminated within 45 days of an election that clearly identifies a state candidate, but does not expressly advocate the election or defeat of that candidate. The Form E-530 is only filed with the Secretary of State. A paper copy is not required. This reporting requirement was added by Proposition 34 (see page 4). (Section 85310.)

## General Information on When to File Campaign Statements

The law sets specific deadlines for when campaign disclosure statements (Forms 460, 450, and 425) must be filed. Most campaign committees file two semi-annual statements each year. Additional statements are required when a committee is raising or spending money in connection with an election. Filing schedules also vary depending upon whether the committee qualifies as a state, county or city committee.

Contact the FPPC at 1-916-322-5660, or toll-free at 1-866-ASK-FPPC or contact your filing officer for filing schedules and other information. The FPPC's web site contains filing schedules for most state committees and elections.

**Semi-Annual Statements.** Most committees file a semi-annual statement for each half of the year, whether or not they receive contributions or make expenditures during the six-month period. Exceptions apply to certain major donor committees, independent expenditure committees, unpaid officeholders and judges.

The first semi-annual statement is due July 31 and covers the period January 1 through June 30. Except as noted, the second semi-annual statement is due January 31, and covers the period July 1 through December 31. The second semi-annual statement is due on January 10, rather than January 31, prior to March elections held during an even-numbered year.

**Pre-Election Statements.** Most candidates and ballot measure committees must file pre-election statements 40 days and 12 days before an election. Certain general purpose committees (political action committees), city major donors and city independent expenditure committees may also file pre-election statements depending upon the amount of contributions or expenditures made in connection with an election. State and county major donor and independent expenditure committees do not file pre-election statements.

In addition to semi-annual and pre-election statements, a committee may be required to file additional reports based on the timing and amount spent in connection with political activities:

### Quarterly Statements:

Applies to primarily formed ballot measure and legal defense fund committees.

### Supplemental Pre-Election Campaign Statements:

Applies to certain committees that contribute \$10,000 or more in connection with an election when pre-election statements are not required.

### Late Contribution Reports:

Applies to certain committees that receive or make contributions of \$1,000 or more during the 16 days before an election.

### Late Independent Expenditure Reports:

Applies to committees that make independent expenditures of \$1,000 or more during the 16 days before an election.

### Supplemental Independent Expenditure Report:

Applies to committees that make independent expenditures of \$1,000 or more.

### Special Odd-Year Reports:

Applies to committees that make contributions of \$10,000 or more to state officeholders during the first quarter of an odd-numbered year. A report is due on April 30, covering the period January 1 through March 31.

During the third quarter of an odd-numbered year, candidates and committees may be required to file a special report in connection with the following March state primary election and other elections held on that date. The report is due on October 10 for the period ending September 30.

### New Online Reports:

Applies to certain state committees (see page 6).

### Paid Spokesperson Report:

Applies to committees that make expenditures totaling \$5,000 or more to an individual for his or her appearance in a printed, televised, or radio advertisement, or in a telephone message, to support or oppose the qualification, passage, or defeat of a state or local ballot measure. The report must be filed within 10 days of making or promising payments totaling \$5,000 or more to the individual.



# Prohibitions/Restrictions

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## **Ban on Foreign Government or Foreign Principal Contributions/Expenditures for Ballot Measures**

Foreign governments and foreign principals are prohibited from making, directly or through any other person, contributions, expenditures, or independent expenditures in connection with the qualification or support of, or opposition to, any state or local ballot measure.

Persons (including individuals, corporations and business entities) and committees under the Act may not solicit or accept contributions from foreign governments or foreign principals in connection with the qualification or support of, or opposition to, any state or local ballot measure.

The term “foreign principal” as defined in federal law at 22 U.S.C. section 611(b) includes:

- (1) A foreign political party;
- (2) A person outside the United States, unless it is established that the person is an individual and a citizen of the United States, or that the person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
- (3) A partnership, association, corporation, organization or other combination of persons organized under the laws of or having its principal place of business in a foreign country.
- (4) A domestic subsidiary of a foreign corporation if the decision to contribute or expend funds is made by an officer, director or management employee of the foreign corporation who is neither a citizen of the United States nor a lawfully admitted permanent resident of the United States.

**Exception:** This does not prohibit a contribution, expenditure or independent expenditure made by a lawfully-admitted permanent resident. (Chapter 67, Stats. 1997; effective January 1, 1998; amended by Stats. 2000, Ch. 349; effective January 1, 2001.) (Section 85320.)

**Note to Candidates:** The Federal Election Campaign Act (2 U.S.C. Section 441b and e) prohibits contributions from national banks, national corporations (or corporations established by an Act of Congress) and foreign nationals in connection with any local, state or federal election to political office. Contact the Federal Election Commission at (800) 424-9530 for more information.

## **Contributions Drawn from Account of Donor**

Monetary contributions of \$100 or more may not be made in the form of a money order or cashier's check. These contributions must be made in the form of a written instrument containing the name of the donor and the name of the payee and drawn from the account of the donor or the intermediary. Contributions may continue to be made with a credit card. (Chapter 898, Stats. 1996; effective January 1, 1997.) (Section 84300.)

## **Candidate Contribution Solicitations of Public Employees**

Government Code section 3205 prohibits a candidate for a local elective office from knowingly, directly or indirectly, soliciting a political contribution from any employee of his or her agency or from a person on an employment list of that agency. An exception applies if the solicitation for political contributions is a part of a solicitation made to a significant segment of the public. The Fair Political Practices Commission does not interpret or enforce this provision. For further information, please contact the Attorney General's Office at (800) 952-5225 or your district attorney. (Effective January 1, 1996.)

## **Election Expenditures by Local Agencies**

Government Code section 54964 prohibits an officer, employee or consultant of a local agency from expending or authorizing the expenditure of any local agency funds to support or oppose a ballot measure or a candidate. Certain exceptions exist for informational activities or political activities of school or college districts. The Fair Political Practices Commission does not interpret or enforce this provision. For further information, please contact the Attorney General's Office at (800) 952-5225 or your district attorney. (Effective January 1, 2001.)

### Violations of the Political Reform Act

A knowing or willful violation of the Act is a misdemeanor. Persons convicted of a misdemeanor may be disqualified for four years from the date of conviction from running for elective office in addition to other penalties which may be imposed. The Act also provides for administrative and civil penalties and damages for violations of the Act, as well as injunctive relief from the courts. The maximum administrative penalty for violations increased from \$2,000 to \$5,000 effective January 1, 2001.

If an individual is aware of a violation of the Act, he or she may file a complaint with the Commission's Enforcement Division. When preparing a complaint, care should be taken to provide as much specific information as possible, including documentation that supports the information described in the complaint (such as copies of campaign statements, minutes of meetings where governmental decisions were made, copies of checks and statements of witnesses).

A copy of a complaint form may be obtained from the FPPC web site. A complaint may also be filed in the form of a letter that identifies the parties involved and the grounds on which a violation may have occurred. As a general rule, the identity of any person filing a complaint can be maintained in confidence and will not be disclosed to the public or the parties complained against.

The Commission has established a toll-free enforcement hotline that can be reached at 1 (800) 561-1861.

The Commission has jurisdiction over enforcement provisions of the Political Reform Act, including the following:

- Money laundering
- Conflicts of interests
- Mass mailing violations
- Campaign disclosure violations
- State lobbying violations
- Personal use of campaign funds

The Commission does not have jurisdiction over the following:

- False or misleading campaign materials
- Election fraud
- Violations of the Elections Code, Penal Code, Government Code section 1090, or any laws other than the Political Reform Act
- Federal campaigns (such as Congressional campaigns, etc.)

- Open meeting laws (Brown Act)
- Doctrine of Incompatible Activities
- Use of public funds
- Doctrine of Incompatible Offices

### New Statute of Limitations Concerning Administrative Proceedings

Prior to January 1, 1998, the Act did not contain a specific statute of limitations regarding administrative proceedings. As of January 1, 1998, the statute of limitations for administrative actions alleging a violation of the Act is five years after the date on which the violation occurred. The service of the probable cause hearing notice upon the person alleged to have violated the Act constitutes the commencement of the administrative action.

If the person alleged to have violated the Act fails to produce subpoenaed documents by the date required by a superior court order, the five-year period will be tolled for the period of the delay from the date of filing of the motion to compel until the date the documents are produced.

If a person alleged to have violated a provision of the Act engages in fraudulent concealment of his or her acts or identity, the five-year period will be tolled for the period of concealment. "Fraudulent concealment" means the person knows of material facts related to his or her duties under the Act and knowingly conceals them in performing or failing to perform those duties for the purpose of defrauding the public of information to which it is entitled under the Act. (Chapter 179, Stats. 1997; effective January 1, 1998.) (Section 91000.5.)

# Campaign Information Resources

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## Fair Political Practices Commission

428 J Street, Suite 620  
Sacramento, CA 95814  
Phone (916) 322-5660  
Toll-Free: (866) ASK-FPPC  
Fax (916) 322-0886  
Web site: [www.fppc.ca.gov](http://www.fppc.ca.gov)

- Campaign Disclosure
- State Contribution Limits
- Conflict of Interest Disclosure
- Lobbying Disclosure
- Conflict of Interest Disqualification
- Proper Use of Campaign Funds

Reporting Enforcement Violations  
(800) 561-1861

## Secretary of State

**Political Reform Division**  
1500 11<sup>th</sup> Street, Room 495  
Sacramento, CA 95814  
Phone (916) 653-6224  
Fax (916) 653-5045  
Web site: [www.ss.ca.gov](http://www.ss.ca.gov)

- Committee Identification Numbers
- Termination of Committees
- Online/Electronic Filing

## Elections Division

Phone (916) 657-2166

- Questions Relating to the Elections Code

## Registrar-Recorder of Los Angeles County

**Campaign Reporting Unit**  
12400 Imperial Highway  
Norwalk, CA 90650  
Phone (562) 462-2339  
Fax (562) 651-2548  
Web site: [www.co.la.ca.us/regrec/main.htm](http://www.co.la.ca.us/regrec/main.htm)

## City and County of San Francisco

### Department of Elections

Room 48, City Hall  
One Doctor Carlton Goodlett Place  
San Francisco, CA 94102-4635  
Phone (415) 554-4375  
Fax (415) 554-7344  
Web site: [www.ci.sf.ca.us/election](http://www.ci.sf.ca.us/election)

## Federal Election Commission

Toll-Free: (800) 424-9530  
Web site: [www.fec.gov](http://www.fec.gov)

- Federal Campaign Disclosure
- Contributions from National Banks, National Corporations and Foreign Nationals

## State Franchise Tax Board

Toll-Free: (800) 338-0505  
Web site: [www.ftb.ca.gov](http://www.ftb.ca.gov)

- Committee Tax Status
- Tax Deductible Contributions
- Charitable Non-Profit Groups
- Any Other Tax-Related Questions

## Internal Revenue Service

Toll-Free: (800) 829-1040  
Web site: [www.irs.ustreas.gov](http://www.irs.ustreas.gov)

- Federal Taxpayer I.D. Numbers
- Any other Tax-Related Questions
- Disclosure Rules for 527 Organizations

## Attorney General

Toll-Free: (800) 952-5225  
Web site: [www.caag.state.ca.us](http://www.caag.state.ca.us)

- Brown Act Requirements
- Doctrine of Incompatible Offices

## Current FPPC Campaign Disclosure Forms and Manuals

Campaign Disclosure Forms	Issued	Electronic Campaign Disclosure Form (State Candidates and Committees)	Issued
Form 410 Statement of Organization	Jan/03		
Form 425 Semi-Annual Statement of No Activity	Jan/01	Form E-530 Issue Advocacy: State Candidates	June/01
Form 450 Recipient Committee Campaign Statement – Short Form	June/01	<b>Campaign Disclosure Manuals</b>	
Form 460 Recipient Committee Campaign Statement	June/01	Manual 1 State Candidates, their Controlled Committees, and Primarily Formed Committees for State Candidates	Jan/04
Form 461 Independent Expenditure Committee and Major Donor Committee Campaign Statement	Jan/03	Manual 2 Local Candidates, Superior Court Judges, their Controlled Committees, and Primarily Formed Committees for Local Candidates	Jan/04
Form 465 Supplemental Independent Expenditure Report	Jan/01	Manual C General Purpose Recipient Committees	1995/96
Form 470 Officeholder/Candidate Campaign Statement – Short Form and Form 470 Supplement	June/01	Manual D Ballot Measure Committees	1995/96
Form 495 Supplemental Pre-Election Campaign Statement	Jan/01	Manual E Independent Expenditure and Major Donor Committees	1995/96
Form 496 Late Independent Expenditure Report	Jan/03	Addendum	2004
Form 497 Late Contribution Report	Jan/03	<b>Slate Mailer Organizations</b>	
Form 501 Candidate Intention	Jan/03	Forms 400, 401, 402	1992
Form 511 Paid Spokesperson Report	Jan/02	Form 498	1999
Form 900 Public Employees' Retirement Board – Candidate Campaign Statement (State CalPERS Board filers only)	2001	Manual F	1995/96
		Note: Many forms are now interactive on the FPPC web site ( <a href="http://www.fppc.ca.gov">www.fppc.ca.gov</a> ) but still must be printed out and filed on paper with the appropriate filing officer.	

This Addendum was issued **January 2004**.